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Part III
International justice and law

Section 8
Legal affairs

(Programme 5 of the medium-term plan for the period 2002-2005)**

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Section 8
Legal affairs

(Programme 5 of the medium-term plan for the period 2002-2005)

Overview

8.1 The Office of Legal Affairs is responsible for the implementation of the work programme under this section. The programme is guided by the General Assembly and its subsidiary organs, namely the International Law Commission and the United Nations Commission on International Trade Law (UNCITRAL). Guidance is also given by the Meeting of States Parties to the United Nations Convention on the Law of the Sea.

8.2 The activities for which the Office of Legal Affairs is responsible fall within the framework of programme 5, Legal affairs, of the revised medium-term plan for the period 2002-2005, as revised by the General Assembly in 2002.

8.3 According to the medium-term plan, the general objective of programme 5 is to promote a better understanding of and respect for the principles and norms of international law by Member States in order to support the accomplishment of the objectives of the United Nations. To fulfil this objective, the Office of Legal Affairs provides a unified central legal service for the Secretariat and the principal and other organs of the United Nations; contributes to the progressive development and codification of international public and trade law; promotes the strengthening and development as well as the effective implementation of the international legal order for seas and oceans; registers and publishes treaties; and performs the depositary functions of the Secretary-General.

8.4 The point of departure for the 2004-2005 programme budget is that the Organization should rationalize and streamline its work and ensure that resources and activities are in line with the strategic vision contained in the Millennium Declaration (see General Assembly resolution 55/2). The Office of Legal Affairs has borne this in mind during the budgeting process and, consequently, significant resource reallocations between subprogrammes are proposed to ensure that priority needs for the International trade law, General legal and Law of the sea subprogrammes may be adequately addressed within available resources.

8.5 In this context, it is important to recall that subprogrammes 1 to 5 were subjected to an in-depth evaluation in 2001 and 2002. The Office of Internal Oversight Services made the following conclusion in its report of 9 April 2002:

> "In providing a unified central legal service for the Secretariat and organs of the United Nations, the overall performance of OLA has been competent, and in some instances exemplary. OLA has effectively sustained the evolution of legal arrangements related to peacekeeping, taken necessary measures to assist the international tribunals and supported the developments and the adoption of a number of important instruments in international public and trade law. In well-defined areas of the United Nations legal framework, such as constitutional or procedural matters, the advice provided by OLA was authoritative and solution-oriented" (see E/AC.51/2002/5, para. 78).

The Office of Internal Oversight Services also made recommendations, which are addressed here and elsewhere.

8.6 In its resolution 57/19 of 19 November 2002, the General Assembly took note of the recommendations with respect to subprogrammes 1 to 5. The recommendations concerning subprogramme 6 are still pending before the legislative organs.

8.7 The budget proposal reflects a comprehensive internal review of all subprogrammes bearing in mind, inter alia, the requirements of regulation 5.6 of the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation. The conclusion is that the subprogrammes should continue as foreseen in the revised medium-term plan but with the discontinuation of 127 recurrent outputs as listed in the annex. This conclusion is based, in particular, on the findings by the Office of Internal Oversight Services during the in-depth evaluations, on further guidance received from the General Assembly, as well as on feedback from other entities with which the Office of Legal Affairs interacts. A significant feature in the budget proposal for the biennium 2002-2003 was the provision of resources for the enhanced use of information technology. The reason for this proposal, which was significantly reduced by the General Assembly, is its critical importance for introducing information technology to manage the flow of information within the Office. In particular, there is a need to computerize the legal archive. As this is still a requirement, limited resources are being requested in order to provide for phased implementation of improvements in information and communications technology (ICT) in consultation with the Information Technology Services Division and consistent with the Organization's proposed ICT strategy (A/57/620).

8.8 With respect to subprogramme 1, there is no increase in resource levels as the Office of the Legal Counsel continues to provide legal advice for the principal organs of the United Nations and to oversee efforts to computerize the legal archive.

8.9 As regards subprogramme 2, the General Legal Division will aim to meet the continually high demand throughout the Organization for legal advice, services and support with basically the same resources as those available for the biennium 2002-2003. However, pursuant to the recommendation of the Office of Internal Oversight Services, as endorsed by the General Assembly, one P-3 post is redeployed from the Treaty Section and a new P-2 post is proposed to support this subprogramme (see E/AC.51/2002/5, para. 82 and recommendation 7; A/57/16, para. 289; and General Assembly resolution 57/19 of 19 November 2002).

8.10 With respect to subprogramme 3, the Codification Division, a P-5 post and two General Service posts will be redeployed outward from the Division to the Department for General Assembly and Conference Management to provide support for the Secretariat of the Sixth Committee. The General Assembly, in its resolution 57/300 of 20 December 2002, welcomed the proposals of the Secretary-General to improve the efficiency and effectiveness of the conference-servicing function of the United Nations as outlined in his report on improving the performance of the Department of General Assembly Affairs and Conference Services (A/57/289) which, inter alia, proposed integrating the technical servicing secretariats of the General Assembly and its Committees into the Department of General Assembly Affairs and Conference Services.

8.11 As regards subprogramme 4, one P-3 post is to be redeployed from the Treaty Section. This is based mainly on the anticipated receipt by the Commission on the Limits of the Continental Shelf of submissions from three coastal States in addition to the current submission of one such State.

8.12 During the biennium 2004-2005, increased activities in terms of assistance requested by coastal States are expected with respect to the receipt by the Commission on the Limits of the Continental Shelf of submissions from coastal States. Furthermore, the Division for Ocean Affairs and the Law of the Sea will be responding to requirements for additional servicing and follow-up of the consultative process on oceans and the law of the sea, particularly in view of the enhanced cooperation with funds, programmes and agencies of the United Nations system, and with respect to the expanded agenda of the Meeting of States Parties to the United Nations Convention on the Law of the Sea. The Division will also continue to provide advisory services on the implications of the provisions of the Convention for existing and proposed legal instruments. The Division will

also contribute to and participate in the activities and meetings of intergovernmental bodies and non-governmental organizations, in particular in relation to chapter 17 of Agenda 21, as well as in the anticipated mechanism for inter-agency cooperation.

8.13 With respect to subprogramme 5, a major reorganization is proposed at the request of the legislative organs and as proposed by the Office of Internal Oversight Services (see E/AC.51/2002/5, paras. 56-66 and recommendations 13-15; A/57/16, para. 289; A/57/17, paras. 258-271; and General Assembly resolution 57/19 of 19 November 2002). Four new posts (1 D-2, 1 P-5, 1 P-2 and 1 General Service) have been proposed to strengthen the UNCITRAL secretariat in Vienna to ensure and enhance the effective implementation of its programme; to address the growing number of requests by Member States for legislative assistance and for training and briefings relating to texts prepared by UNCITRAL; and to respond to the increased need for substantive coordination of activities of various intergovernmental and non-governmental agencies which, inside and outside the United Nations, are preparing legal texts governing international commerce. There is a corresponding increase in travel funds.

8.14 With regard to subprogramme 6, the efforts to address the backlog in the Treaty Section have been very successful. The backlog that remains (approximately two years) is mainly due to the absence of timely translations. The continuous upgrading of the working methods has also resulted in decreasing staff costs. Two P-3 posts will be redeployed and two General Service posts will be abolished: one P-3 post will be redeployed to the General Legal Division, and the other will be redeployed to the Division for Ocean Affairs and the Law of the Sea; and two General Service (1 Principal level and 1 Other level) will be abolished. Increases in provisions for data-processing services in the amount of $338,900 will enable the Treaty Section to develop and enhance the Treaty Database and Internet site, which will offset reductions in the cost of external printing and consultants of $525,100.

8.15 The main expected accomplishments and indicators of achievement for the Office of Legal Affairs in the biennium 2004-2005 are detailed, together with required resources, under the programme of work. The overall framework of these expected accomplishments and indicators of achievement is shown in table 8.1.

Table 8.1 **Framework of expected accomplishments and indicators of achievement**

Component	*Number of expected accomplishments*	*Number of indicators of achievement*
A. Policy-making organs	0	0
B. Programme of work	0	0
1. Overall direction, management and coordination of legal advice and services to the United Nations as a whole	1	3
2. General legal services to United Nations organs and programmes	2	2
3. Progressive development and codification of international law	3	8
4. Law of the sea and ocean affairs	2	2
5. Progressive harmonization and unification of the law of international trade	1	8
6. Custody, registration and publication of treaties	5	10
C. Programme support	-	-
Total	**14**	**33**

8.16 The resources required for the biennium 2004-2005 for this section amount to $35,659,000 before recosting, reflecting a decrease of $95,500 in resources (or -0.2 per cent at 2002-2003 rates). The overall level of resources, as indicated in table 8.2 below, reflects, inter alia, the establishment of three new Professional posts (1 D-2, 1 D-1 and 1 P-2), and one General Service (Other level) post, all related to subprogramme 5; and one additional Professional post at the P-2 level, related to subprogramme 2. This is partially offset by the abolition of two General Service (Principal level) posts and one General Service (Other level) post in the Treaty Section and the re-deployment of the Secretariat of the Sixth Committee, comprising one P-5 post and two General Service (Other level) posts, from the Office to the Department for General Assembly and Conference Management.

8.17 The Secretary-General, in his report entitled "Strengthening the United Nations: an agenda for further change" (A/57/387 and Corr.1), proposed that the *Repertory of Practice of United Nations Organs* should no longer be produced by the United Nations (see para. 83 and Action 10 (d)). Accordingly, no provisions are included in the proposed programme budget for 2004-2005 for the coordination and preparation of the *Repertory*.

8.18 The amount of extrabudgetary resources, estimated at $5,626,300, will be utilized for activities related to, inter alia, support for United Nations organizations, and peacekeeping operations, symposiums on international trade law, participation of least developed countries in the work of the Assembly of States Parties to the Rome Statute of the International Criminal Court and assistance in the teaching, study, dissemination and wider appreciation of international law.

8.19 The issue of publications as part of the programme of work has been reviewed in the context of each subprogramme. It is anticipated that recurrent and non-recurrent publications will be issued as shown below in summary and as distributed in the output information for each subprogramme.

Table 8.2 **Summary of publications**

Publications	*2000-2001 actual*	*2002-2003 estimate*	*2004-2005 estimate*
Recurrent	27	249	124
Non-recurrent	45	15	12
Total	**72**	**264**	**136**

8.20 The estimated percentage distribution of the resources of the programme in the biennium 2004-2005 is as shown in table 8.3.

8.21 The distribution of resources is summarized in tables 8.4 and 8.5.

Table 8.3 Percentage distribution of resources by component

Component	*Regular budget*	*Extrabudgetary*
A. Policy-making organs		
1. International Law Commission	5.3	
2. United Nations Commission on International Trade Law	1.0	
3. United Nations Administrative Tribunal (including its secretariat)	4.0	
Subtotal	**10.3**	
B. Programme of work		
Subprogramme 1. Overall direction, management and coordination of legal advice and services provided to the United Nations as a whole	10.4	31.4
Subprogramme 2. General legal services provided to United Nations organs and programmes	14.6	56.7
Subprogramme 3. Progressive development and codification of international law	12.9	8.0
Subprogramme 4. Law of the sea and ocean affairs	17.7	0.9
Subprogramme 5. Progressive harmonization and unification of the law of international trade	11.7	3.0
Subprogramme 6. Custody, registration and publication of treaties	18.0	-
Subtotal	**85.3**	**100**
C. Programme of support	4.4	-
Total	**100**	**100**

Table 8.4 Requirements by component

(Thousands of United States dollars)

(1) *Regular budget*

Component	*2000-2001 expenditure*	*2002-2003 appropriation*	*Resource growth*		*Total before recosting*	*Recosting*	*2004-2005 estimate*
			Amount	*Percentage*			
A. Policy-making organs	3 162.4	3 467.2	212.9	6.1	3 680.1	177.2	3 857.3
B. Programme of work	28 646.0	30 743.2	(316.8)	(1.0)	30 426.4	1 973.0	32 399.4
C. Programme support	1 494.6	1 544.1	8.4	0.5	1 552.5	91.1	1 643.6
Total	**33 303.0**	**35 754.5**	**(95.5)**	**(0.2)**	**35 659.0**	**2 241.3**	**37 900.3**

(2) *Extrabudgetary*

	2000-2001 expenditure	*2002-2003 estimate*	*2004-2005 estimate*
Total	**3 698.0**	**5 778.3**	**5 626.3**
Total (1) and (2)	**37 001.0**	**41 532.8**	**43 526.6**

Table 8.5 **Post requirements**

Category	Established regular budget posts		Temporary posts: Regular budget		Temporary posts: Extrabudgetary		Total	
	2002-2003	2004-2005	2002-2003	2004-2005	2002-2003	2004-2005	2002-2003	2004-2005
Professional and above								
USG	1	1	-	-	-	-	1	1
ASG	1	1	-	-	-	-	1	1
D-2	3	4	-	-	-	-	3	4
D-1	7	7	-	-	2	2	9	9
P-5	17	17	-	-	2	2	19	19
P-4/3	42	42	-	-	6	6	48	48
P-2/1	11	13	-	-	2	2	13	15
Subtotal	**82**	**85**	**-**	**-**	**12**	**12**	**94**	**97**
General Service								
Principal level	12	11	-	-	-	-	12	11
Other levels	51	49	-	-	6	6	57	55
Subtotal	**63**	**60**	**-**	**-**	**6**	**6**	**69**	**66**
Total	**145**	**145**	**-**	**-**	**18[a]**	**18[a]**	**163**	**163**

[a] Includes 13 posts (2 D-1, 1 P-5, 1 P-4, 1 P-3, 2 P-2, 6 GS (OL)) funded from support to extrabudgetary administrative structures and 5 posts (1 P-5, 3 P-4, 1 P-3) from support to peacekeeping operations.

A. Policy-making organs

1. International Law Commission

Resource requirements (before recosting): $1,873,500

8.22 The International Law Commission was established by the General Assembly in its resolution 174 (II) of 21 November 1947. The Commission has as its objective the promotion of the progressive development of international law and its codification. It consists of 34 members who are persons of recognized competence in international law. Unless otherwise decided by the General Assembly, the Commission meets annually for one 12-week session in Geneva and reports to the Assembly, which provides guidance to the Commission on its programme of work. The Codification Division of the Office of Legal Affairs provides substantive servicing for the Commission.

Table 8.6 **Resource requirements**

Category	Resources (thousands of United States dollars): 2002-2003	Resources (thousands of United States dollars): 2004-2005 estimates	Posts: 2002-2003	Posts: 2004-2005
Regular budget				
Non-post	1 725.5	1 873.5	0	0
Total	**1 725.5**	**1 873.5**	**0**	**0**

8.23 The amount of $1,873,500, reflecting an increase of $148,000, covers the costs of: (a) attendance by the Chairman and 33 members at the annual session at Geneva; (b) attendance by the Chairman at the regular sessions of the Assembly during consideration of the Commission's reports; and (c) attendance by the Chairman or another representative of the Commission at the sessions of the four regional legal intergovernmental bodies (two weeks each) with which the Commission, pursuant to its statute, has established links of cooperation. The increase in non-post resources is attributed, in part, to the fact that the Commission intends to hold 12-week sessions in 2004 and 2005 as compared with 10-week sessions in 2002 and in 2003.

2. United Nations Commission on International Trade Law

Resource requirements (before recosting): $300,500

8.24 UNCITRAL consists of 60 Member States, increased from 36, as per General Assembly resolution 57/20 of 19 November 2002, and is charged by the General Assembly (resolution 2205 (XXI)) with the improvement and harmonization of international trade law, which corresponds to subprogramme 5. The Commission carries out its tasks with the assistance of the International Trade Law Branch as its secretariat in one annual meeting of up to four weeks' duration, but usually lasting two to three weeks, and in six working group meetings on specialized topics of up to a total of 12 weeks' duration per year.

Table 8.7 **Resource requirements**

	Resources (thousands of United States dollars)		*Posts*	
Category	*2002-2003*	*2004-2005 (before recosting)*	*2002-2003*	*2004-2005*
Regular budget				
Non-post	319.0	364.2	0	0
Total	**319.0**	**364.2**	**0**	**0**

8.25 The amount of $364,200 would provide for the travel of representatives, travel of staff, and contractual services. An increase in resources relates to the production of the *Yearbook of the United Nations Commission on International Trade Law*, booklets on model laws and legislative guides, and travel in support of the six working groups of the Commission.

3. United Nations Administrative Tribunal (including its secretariat)

Resource requirements (before recosting): $1,442,400

8.26 The United Nations Administrative Tribunal is the independent organ competent to hear and pass judgement upon applications alleging non-observance of contracts of employment of staff members of the United Nations Secretariat or of their terms of appointment as well as applications alleging non-observance of the regulations and rules of the United Nations Joint Staff Pension Fund, arising out of decisions by the Fund. The Tribunal was established by the General Assembly in its resolution 351 A (IV) of 24 November 1949. It is composed of seven members, no two of whom may be nationals of the same State, who are appointed by the Assembly initially for four years and may be reappointed once. The competence of the Tribunal extends to the secretariats of the associated programmes that are financed from voluntary contributions, such as the United Nations

Development Programme (UNDP), the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). Under article 13 of the statute, the competence of the Tribunal has also been extended to staff members of member organizations of the Pension Fund, two specialized agencies, the International Maritime Organization (IMO) and the International Civil Aviation Organization (ICAO) and the staff of the Registry of the International Court of Justice and the International Tribunal for the Law of the Sea. Its competence will also be extended to the staff of the Registry of the International Seabed Authority upon the exchange of letters between the President of the Authority and the General Assembly.

8.27 The Secretariat provides substantive, technical and administrative servicing of the sessions of the Tribunal, including legal research and analysis of precedents; preparation of draft summaries of facts and contentions of parties for judgements to be rendered by the Tribunal; analysis and research of documentation relevant to cases on appeal to the Tribunal; consultations with administrations of subsidiary organs of the United Nations, the secretariat of the Pension Fund, the administrations of the specialized agencies subject to the jurisdiction of the Tribunal (ICAO and IMO) and the Registry of the International Court of Justice and the International Tribunal for the Law of the Sea; and conducting the external relations of the Tribunal, including its relations with the secretariat of ILO. During the biennium, the Secretariat will also publish the recurrent publication *Judgements of the Administrative Tribunal*, volumes XVIII and XIX, in English and French.

Table 8.8 **Resource requirements**

	Resources (thousands of United States dollars)		*Posts*	
Category	*2002-2003*	*2004-2005 (before recosting)*	*2002-2003*	*2004-2005*
Regular budget				
Post	765.2	765.2	4	4
Non-post	657.5	677.2	0	0
Total	**1 422.7**	**1 442.4**	**4**	**4**

8.28 The amount of $1,442,400 covers the continuation of four posts and various non-post items. Increases in non-post requirements of $19,700 relate to database acquisition costs and office accommodation equipment.

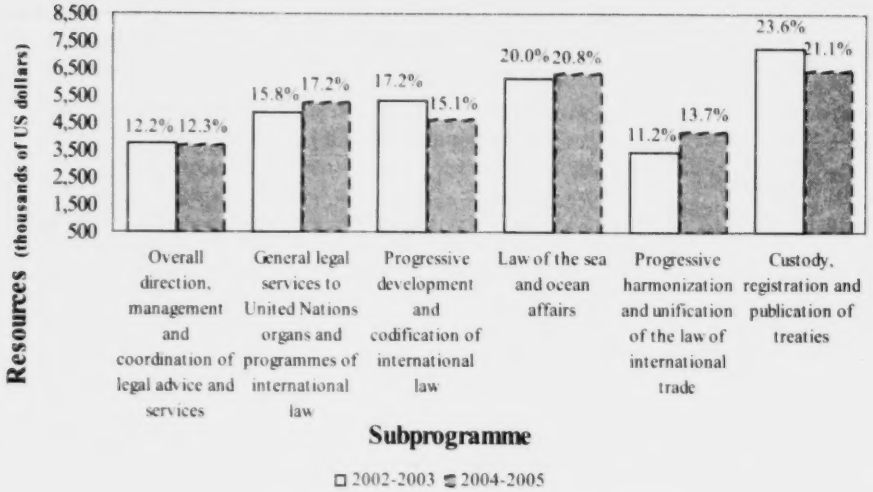
B. Programme of work

Table 8.9 **Resource requirements by subprogramme**

Subprogramme	*Resources (thousands of United States dollars)*		*Posts*	
	2002-2003	*2004-2005 (before recosting)*	*2002-2003*	*2004-2005*
Programme of work				
1. Overall direction, management and coordination of legal advice and services	3 739.6	3 709.2	15	15
2. General legal services to United Nations organs and programmes of international law	4 872.5	5 221.9	20	22
3. Progressive development and codification of international law	5 284.7	4 594.7	21	18
4. Law of the sea and ocean affairs	6 139.5	6 313.8	27	28
5. Progressive harmonization and unification of the law of international trade	3 451.4	4 170.8	18	22
6. Custody, registration and publication of treaties	7 255.5	6 416.0	33	29
Total	**30 743.2**	**30 426.4**	**134**	**134**
Extrabudgetary	5 778.3	5 626.3	18	18

Resource requirements by subprogramme

(Thousands of United States dollars)



Subprogramme 1
Overall direction, management and coordination of legal advice and services provided to the United Nations as a whole

Resource requirements (before recosting): $3,709,200

8.29 The Office of the Legal Counsel is responsible for the implementation of the subprogramme and for the overall direction, supervision and management of all legal activities under this section.

Table 8.10 **Objectives for the biennium, expected accomplishments and indicators of achievement**

Objective: To assist the principal organs of the United Nations by providing legal advice.

Expected accomplishments	*Indicators of achievement*
(a) The provision of more qualitative legal advice to principal and subsidiary organs of the United Nations, leading to an increased understanding of international law, including the United Nations legal regime.	(a) (i) The quality and timeliness of legal advice rendered *Performance measures:* 2000-2001: 5 days Estimate 2002-2003: 5 days

Target 2004-2005: 5 days

(ii) The quality and timeliness of legal instruments finalized

Performance measures:

2000-2001: 4 months

Estimate 2002-2003: 4 months

Target 2004-2005: 4 months

(iii) Number and impact of opinions rendered on violations of international legal instruments for the conduct of United Nations operations

Performance measures:

2000-2001: 1 opinion per violation

Estimate 2002-2003: 1 opinion per violation

Target 2004-2005: 1 opinion per violation

External factors

8.30 The subprogramme is expected to achieve its objectives and expected accomplishments on the assumption that:

(a) The principal and subsidiary organs of the United Nations will seek to obtain legal advice, support and services concerning the adoption and implementation of their resolutions and decisions and the conduct of their work and meetings;

(b) The principal and subsidiary organs will establish and/or extend mandates and programmes and the Secretariat units will seek legal advice concerning the legal regimes required to, and the legal rights and obligations of the Organization necessary to, implement those mandates and programmes;

(c) Intergovernmental organizations, academic institutions, non-governmental organizations and members of the general public will seek legal advice and request the participation of members of the Office of the Legal Counsel in seminars and presentations;

(d) Member States will strengthen respect for the rule of law, and in particular, fulfil their obligations under the international legal instruments they have concluded with the United Nations and/or to which they are a party.

Outputs

8.31 During the biennium, the following final outputs will be delivered:

(a) Servicing of intergovernmental and expert bodies (RB). Substantive servicing of meetings:

(i) Provision of advice to General Assembly, Main Committees, Credentials Committee and conferences on the Charter of the United Nations, resolutions, rules of procedure, status of members and observers, credentials and representation (100);

(ii) Provision of oral and written advice to the Security Council and its subsidiary organs on the interpretation and implementation of resolutions, provisional rules of procedure, and statutes of ad hoc criminal tribunals (25);

(iii) Provision of substantive and procedural advice to the Economic and Social Council, including functional and regional commissions, on the Charter of the United Nations, resolutions, rules of procedure, elections and non-governmental organization consultative status (30);

(iv) Provision of substantive and secretariat services to the Committee and its working groups, including preparation of notes and statements for the Chairman, assistance to the bureau, analysis of legal issues and preparation of reports and documentation (5);

(b) Other substantive activities (RB). Promotion of legal instruments:

(i) Advice on legal questions concerning the privileges and immunities and the status of the Organization, including UNDP/UNICEF/UNFPA/UNOPS, in the territories of Member States and the relationship with States and intergovernmental organizations;

(ii) Advice on questions relating to the interpretation and application of the Charter, legal agreements, United Nations resolutions and general questions of public international law to ensure uniform and consistent practice of the law;

(iii) Advice to operationally responsible Secretariat units, offices established away from Headquarters, peacekeeping and other missions and expert groups mandated to investigate matters related to international peace and security;

(iv) Establish and advise on the necessary legal instruments, legal regimes and mandates for all peacekeeping operations and other missions, including status-of-forces agreements and status-of-mission agreements, agreements with contributing States and cooperation agreements with regional organizations;

(v) Formulation of statements of public international law and analysis of specific legal issues in response to inquiries from intergovernmental and regional organizations, international and academic institutions and the public;

(vi) Implementation of specific tasks and preparation of reports or analyses of a legal nature requested by the Security Council or its subsidiary organs in the field of international peace and security; maintaining liaison with the International Court of Justice and discharging the responsibilities of the Secretary-General under the Statute of the International Court of Justice, including the preparation of legal statements and the transmission of notices relating to legal proceedings;

(vii) Negotiation of international agreements, constitutive instruments and others required for the conduct of mandates carried out by the United Nations and its subsidiary organs, including UNDP/UNICEF/UNFPA/and UNOPS, with Governments and intergovernmental organizations;

(viii) Promotion of respect for Articles 104 and 105 of the Charter, the Convention on the Privileges and Immunities of the United Nations, the headquarters agreements with the United States of America and other host Governments;

(ix) Settlement of disputes of a public international law character involving the Organization, including representation of the Secretary-General at judicial proceedings, including those of the International Court of Justice;

(c) Substantive servicing of inter-agency meetings:

(i) Coordination of interdepartmental activities, liaison with United Nations organs dealing with legal matters, offices established away from Headquarters, legal advisers or liaison officers assigned to field missions or other secretariat units;

(ii) Representation at and convening of meetings with legal advisers of the United Nations system and cooperation/coordination of institutional arrangements for the specialized agencies and related organizations on matters of common concern;

(iii) Representation of the Secretary-General and the Legal Counsel at meetings and conferences convened by the United Nations or sponsored by Governments, intergovernmental organizations and other international institutions;

(d) Technical cooperation (RB):

(i) Advisory services: assistance to States, including through the Trust Fund, in settling their legal disputes through the International Court of Justice, including application of the Statute, and reporting to the Secretary-General and the General Assembly;

(ii) Training courses, seminars and workshops: presentation of papers and participation in meetings and conferences sponsored by United Nations organs, Governments, professional societies or international organizations on legal issues relating to the functions of the United Nations; provision of legal expertise and resource persons to training courses sponsored by Governments or international institutions for diplomats on subjects falling within the competence of the Office of the Legal Counsel.

Table 8.11 **Resource requirements: subprogramme 1**

	Resources (thousands of United States dollars)		*Posts*	
Category	*2002-2003*	*2004-2005 (before recosting)*	*2002-2003*	*2004-2005*
Regular budget				
Post	3 384.4	3 384.4	15	15
Non-post	355.2	324.8	0	0
Total	**3 739.6**	**3 709.2**	**15**	**15**
Extrabudgetary	1 816.5	1 591.0	5	5

8.32 The amount of $3,709,200 provides for the continuation of 15 established posts and reflects decreases in non-post resources relating primarily to data-processing requirements. Despite those decreases, resources will be available to enhance a computerized legal archive.

Subprogramme 2
General legal services provided to United Nations organs and programmes

Resource requirements (before recosting): $5,221,900

8.33 The subprogramme will be implemented by the General Legal Division, which will continue to meet the demand from throughout the Organization for legal advice, services and support for the Organization's operations and activities.

Table 8.12 **Objectives for the biennium, expected accomplishments and indicators of achievement**

Objective: To protect the legal interests of the Organization. This would include assisting the Organization (Headquarters, regional commissions, other United Nations offices away from Headquarters and peacekeeping and other missions) and United Nations Funds and Programmes and other entities in the day-to-day administration of their mandates and programmes, through the provision of legal services.

Expected accomplishments	*Indicators of achievement*
(a) Greater protection of the Organization's legal rights and minimization of its legal liabilities, through the provision of quality legal advice to the principal and subsidiary organs of the United Nations	(a) A reduction in the legal liability of the Organization based on legal advice provided *Performance measures*: 2000-2001: $1,046,812 Estimate 2002-2003: $330,000 Target 2004-2005: $0
(b) Provision of legal advice and support aimed at enabling offices, departments and subsidiary organs to maximize their compliance with regulations, rules and administrative issuances consistent with the Organization's policies and purposes	(b) Quality, timeliness and impact of legal opinions and other legal advice so that United Nations offices are in a better position to interpret and apply provisions of the United Nations legal regime to specific cases and to comply with such provisions *Performance measures*: 2000-2001: 3 Level of understanding (scale of 1 to 5, with 5 representing highest level) Estimate 2002-2003: 3 Level of understanding (scale of 1 to 5, with 5 representing highest level) Target 2004-2005: 3 Level of understanding (scale of 1 to 5, with 5 representing highest level)

External factors

8.34 The subprogramme is expected to achieve its objectives and expected accomplishments on the assumption that:

(a) United Nations units will seek legal advice, support and services concerning the legal rights and obligations of the Organization in respect of the day-to-day administration of their mandates and programmes;

(b) United Nations units will seek and be guided by legal advice concerning the legal rights and obligations of the Organization in respect of the day-to-day administration of their mandates and programmes;

(c) United Nations units will (a) provide in a timely manner all relevant information required to provide a relevant legal response and (b) seek legal advice and support at the earliest possible opportunity.

Outputs

8.35 During the biennium, the following final outputs will be delivered:

(a) Technical cooperation (XB). Advisory services:

(i) Advice and assistance on arbitration or litigation arising out of peacekeeping and other missions, including representation of the Organization before arbitral, judicial and other quasi-judicial and administrative bodies;

(ii) Advice and assistance on arbitration or litigation unrelated to peacekeeping, including representation of the Organization before arbitral, judicial and other quasi-judicial and administrative bodies;

(iii) Advice and assistance on maintaining the privileges and immunities of the United Nations and its subsidiary organs before judicial, quasi-judicial and other administrative bodies;

(iv) Advice on administrative policies and procedures, including formation and interpretation of regulations, rules and other administrative issuances; advice on claims arising out of peacekeeping and other missions, including assistance in resolving contractual and real property disputes, as well as claims for property damage, personal injury and death;

(v) Advice on commercial activities unrelated to peacekeeping, including contracts and substantial procurement of goods and services, insurance, real property arrangements, intellectual property issues, and procurement practices, policies and procedures;

(vi) Advice on commercial and other claims unrelated to peacekeeping, including assistance in resolving contractual and real property disputes, as well as claims for property damage, personal injury and death;

(vii) Advice on commercial aspects of development assistance, including goods and services, establishment of field offices, and management of loans by Governments and regional, international or other financial institutions;

(viii) Advice on commercial aspects of peacekeeping and other missions, including contracts and substantial procurement for logistical support, insurance, demining and similar operations, disposition of assets, and air and sea charter arrangements;

(ix) Advice on financial questions, including formation and interpretation of the financial regulations and rules, treasury operations, banking arrangements, and the operations and investments of the Joint Staff Pension Fund;

(x) Advice on fund-raising activities of separately funded, subsidiary organs, including arrangements regarding administrative fees and direct or indirect contributions;

(xi) Advice on institutional and operational arrangements for peacekeeping and other missions and for development assistance, including formation and interpretation of agreements with Governments and international organizations concerning such arrangements;

(xii) Advice on internal oversight services, including assistance in prosecuting staff and others who engage in theft, corruption or other fraudulent activities, and assistance in the recovery of assets fraudulently obtained from the Organization;

(xiii) Advice on management of development and technical assistance, including personnel and financial arrangements and the revision and harmonization of staff and financial regulations and rules of the separately funded, subsidiary organs;

(xiv) Advice on personnel matters, including formation and interpretation of the staff regulations and rules, issues of the rights and obligations of staff members, benefits and allowances, tax reimbursement and pension matters;

(xv) Advice on public-private partnerships, including the development of new modalities for such partnerships and the interpretation and application of United Nations financial regulations and rules and national law requirements to such modalities;

(xvi) Advice on the legislative aspects of peacekeeping and other missions, such as regulations and rules and the Field Administration Handbook, governing staff serving in such missions; representation of the Secretary-General in cases brought under the Statute of the United Nations Administrative Tribunal.

Table 8.13 **Resource requirements: subprogramme 2**

	Resources (thousands of United States dollars)		*Posts*	
Category	*2002-2003*	*2004-2005 (before recosting)*	*2002-2003*	*2004-2005*
Regular budget				
Post	4 442.1	4 751.9	20	22
Non-post	430.4	470.0	0	0
Total	**4 872.5**	**5 221.9**	**20**	**22**
Extrabudgetary	3 279.8	3 641.3	13	13

8.36 The amount of $5,221,900 provides resources for 22 posts, including the redeployment of one P-3 post from the Treaty Section, one new P-2 post and various non-post items. Increases under non-post items are attributed to additional requirements for consultancies and travel of staff. The increased resources for both post and non-post items are required in order to ensure the ability to continue to provide timely service of high quality in the face of rising workloads.

Subprogramme 3
Progressive development and codification of international law

Resource requirements (before recosting): $4,594,700

8.37 The subprogramme will be implemented by the Codification Division.

Table 8.14 **Objectives for the biennium, expected accomplishments and indicators of achievement**

Objective: To enhance the progressive development and codification of international law and promote respect for international law.

Expected accomplishments	*Indicators of achievement*
(a) Progress in the formulation of legal instruments	(a) (i) Level of progress achieved on instruments under preparation *Performance measures*: 2000-2001: 50 per cent of instruments with moderate or higher progress (estimate) Estimate 2002-2003: 30 per cent of instruments with moderate or higher progress Target 2004-2005: 30 per cent of instruments with moderate or higher progress (ii) Timeliness of submission of the documentation prepared by the Division *Performance measures*: 2000-2001: 11 weeks prior session Estimate 2002-2003: 11 weeks prior session Target 2004-2005: 11 weeks prior session (iii) Satisfaction of intergovernmental and expert bodies with the quality of documentation and substantive servicing *Performance measures*: 2000-2001: 4 rating (scale 1-5) Estimate 2002-2003: 4 rating (scale 1-5) Target 2004-2005: 4 rating (scale 1-5)

		(iv) Timeliness of editing by the Division of reports of the International Law Commission and its special rapporteurs *Performance measures*: 2000-2001: 1 week Estimate 2002-2003: 1 week Target 2004-2005: 1 week
(b) Wider appreciation and understanding of international law	(b)	(i) Satisfaction of participants with the quality of courses and seminars *Performance measures*: 2000-2001: 4 rating (scale 1-5) Estimate 2002-2003: 4 rating (scale 1-5) Target 2004-2005: 4 rating (scale 1-5) (ii) Satisfaction of users with the quality of issued publications and information electronically disseminated *Performance measures*: 2000-2001: 4 rating (scale 1-5) Estimate 2002-2003: 4 rating (scale 1-5) Target 2004-2005: 4 rating (scale 1-5)
(c) Progress in adherence to and compliance with legal instruments promoted under the subprogramme	(c)	(i) Number of additional States Parties or signatories to the legal instruments promoted under the subprogramme *Performance measures*: 2000-2001: 97 ratifications, signatures Estimate 2002-2003: 30 ratifications, signatures Target 2004-2005: 30 ratifications, signatures (ii) Timeliness of submission of the documentation prepared by the Division *Performance measures*: 2000-2001: 11 weeks prior session Estimate 2002-2003: 11 weeks prior session Target 2004-2005: 11 weeks prior session

External factors

8.38 The subprogramme is expected to achieve its objectives and expected accomplishments on the assumption that:

(a) Problems requiring legal regulation at the international level are universally recognized and favourable political conditions exist for their legal solution;

(b) A political environment stimulating the participation of States in international legal instruments promoted under the subprogramme continues to exist;

(c) The flow of voluntary contributions by States and private institutions for granting scholarships continues; leading scholars and experts for seminars and courses planned under the subprogramme are available; Governments show readiness to host/sponsor regional seminars.

Outputs

8.39 During the biennium, the following final outputs will be delivered:

(a) Servicing of intergovernmental and expert bodies (RB):

(i) General Assembly:

a. Substantive servicing of meetings;

b. Parliamentary documentation: report of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996; report of the Ad Hoc Committee on the Scope of Legal Protection under the Convention on the Safety of United Nations and Associated Personnel; report of the International Law Commission; report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization; report of the Working Group on measures to eliminate international terrorism; report on consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives; report on measures to eliminate international terrorism; report on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions; report on the implementation of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law; report on the status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts;

(ii) Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization:

a. Substantive servicing of meetings (40);

b. Parliamentary documentation: pre-session documentation;

(iii) Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study and Dissemination and Wider Appreciation of International Law: substantive servicing of meetings (4);

(iv) Ad Hoc Committee on the Scope of Legal Protection under the Convention on the Safety of United Nations and Associated Personnel:

a. Substantive servicing (20);

b. Parliamentary documentation: pre-session documentation;

(v) Ad Hoc Committee on the Elaboration of Legal Instruments for the Prevention of Terrorist Acts:

a. Substantive servicing of meetings (40);

b. Parliamentary documentation: pre-session documentation;

(vi) International Law Commission:

a. Substantive servicing of meetings (196);

b. Parliamentary documentation: report on diplomatic protection; report on fragmentation of international law; report on liability for acts not prohibited by international law; report on reservations to treaties; report on responsibility of international organizations; report on shared natural resources; report on unilateral acts of States; topical summary;

c. Assistance to representatives, rapporteurs: assistance to the Special Rapporteur of the International Law Commission on diplomatic protection, assistance to the Special Rapporteur of the International Law Commission on fragmentation of international law; assistance to the Special Rapporteur of the International Law Commission on liability for acts not prohibited by international law; assistance to the Special Rapporteur of the International Law Commission on reservations to treaties; assistance to the Special Rapporteur of the International Law Commission on responsibility of international organizations; assistance to the Special Rapporteur of the International Law Commission on shared natural resources; assistance to the Special Rapporteur of the International Law Commission on unilateral acts of States;

(b) Other substantive activities (RB):

(i) Recurrent publications: *United Nations Juridical Yearbook 2002; United Nations Juridical Yearbook 2003; United Nations Arbitral Awards*, vol. XXIV;

(ii) Non-recurrent publications: *International Instruments related to the Prevention and Suppression of International Terrorism*; study on the *Crime of Aggression*;

(iii) Technical material: audio-visual library on international law;

(iv) Promotion of legal instruments: web site: codification of international law; web site: International Law Commission; web site: Rome Statute of the International Criminal Court;

(v) Seminars for outside users: lectures/briefings on subjects of international public law of direct relevance to the subprogramme for regional bodies and a targeted public (learned societies, researchers, teachers, students);

(c) Technical cooperation (RB): training courses, seminars and workshops: courses and seminars (fellowships) under the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law.

Table 8.15 **Resource requirements: subprogramme 3**

	Resources (thousands of United States dollars)		*Posts*	
Category	*2002-2003*	*2004-2005 (before recosting)*	*2002-2003*	*2004-2005*
Regular budget				
Post	4 512.3	3 965.1	21	18
Non-post	772.4	629.6	0	0
Total	**5 284.7**	**4 594.7**	**21**	**18**
Extrabudgetary	451.0	125.0	-	-

8.40 Decreases in post resources consist of 1 P-5 and 2 General Service (Other level) posts which are being redeployed from the Office to the Department for General Assembly and Conference Management for support to the Secretariat of the Sixth Committee in accordance with paragraph 19 of General Assembly resolution 57/300 of 20 December 2002 and paragraphs 10 and 11 of the report of the Secretary-General on improving the performance of the Department of General Assembly Affairs and Conference Services (A/57/289). The decrease in non-post requirements, in particular other staff costs, reflects the cessation of activities pertaining to the coordination and preparation of the *Repertory of Practice*.

Subprogramme 4
Law of the sea and ocean affairs

Resource requirements (before recosting): $6,313,800

8.41 The subprogramme will be implemented by the Division for Ocean Affairs and the Law of the Sea.

Table 8.16 **Objectives for the biennium, expected accomplishments and indicators of achievement**

Objective: To promote the universal acceptance of the United Nations Convention on the Law of the Sea and the implementing Agreements and their uniform and consistent application. To facilitate the efforts of Member States to derive practical benefits from the international legal regime for the oceans. To enhance awareness of developments in ocean affairs and facilitate coordination with intergovernmental organizations.

Expected accomplishments	*Indicators of achievement*
(a) Greater respect for and acceptance of the Convention and the Agreements and a higher degree of uniformity and consistency in their application	(a) Development of legal instruments to be adopted by States and intergovernmental organizations in the field of ocean affairs and the law of the sea in compliance with the United Nations Convention on the Law of the Sea as well as action taken to facilitate implementation of existing instruments *Performance measures*: 2000-2001: Increased number of participants

	in the Convention and implementing agreements (19), in comparison with previous years, number of actions by the General Assembly, the Informal Consultative Process, and other parliamentary bodies (41), number of submissions, deposits and actions concerning maritime zones (12) and number of participants in training and briefings (204) (total: 276) Estimate 2002-2003: Increased number of participants in the Convention and implementing agreements (16), in comparison with the previous year, number of actions by the General Assembly, the Informal Consultative Process, and other parliamentary bodies (26), number of submissions, deposits and actions concerning maritime zones (35) and number of participants in training and briefings (256) (total: 333) Target 2004-2005: Increased number of participants in the Convention and implementing agreements (24), in comparison to the previous year, number of actions by the General Assembly, the Informal Consultative Process, and other parliamentary bodies (18), number of submissions, deposits and actions concerning maritime zones (48) and number of participants in training and briefings (303) (total: 393)
(b) Increased opportunities for States to derive benefits from the oceans and seas in conformity with the United Nations Convention on the Law of the Sea	(b) The degree of satisfaction on the part of Member States, reflected in increased participation of Member States in bodies and processes relating to oceans and the law of the sea *Performance measures*: 2000-2001: 96 participants Estimate 2002-2003: 98 participants Target 2004-2005: 141 participants

External factors

8.42 The subprogramme is expected to achieve its objectives and expected accomplishments on the assumption that:

(a) The marine sector is accorded due priority in national plans, programmes and projects;

(b) National authorities will have programmes and resources to adopt/adapt and implement legal instruments in the field of law of the sea and ocean affairs;

(c) Intergovernmental bodies will have programmes and resources to execute the required coordination and to provide the necessary input to ensure better governance of the oceans.

Outputs

8.43 During the biennium, the following final outputs will be delivered:

(a) Servicing of intergovernmental and expert bodies (RB);

(i) Meeting of the States Parties to the Convention on the Law of the Sea:

a. Substantive servicing of meetings: plenary (60);

b. Parliamentary documentation: as required by article 319 of the Convention, annual reports on issues of a general nature that have arisen with respect to the Convention, the work of the Commission on the Limits of the Continental Shelf and priority topics selected by States; background papers and conference room papers, as mandated; report of the Meeting of States Parties on its fourteenth session; report of the Meeting of States Parties on its fifteenth session; annual reports on developments pertaining to the implementation of the United Nations Convention on the Law of the Sea and other developments and emerging issues relating to ocean affairs and the law of the sea; reports on implementation of the Agreement for the implementation of the Provisions of the Convention on the Law of the Sea (10 December 1982) relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks; reports on the state of the global marine environment; reports on the work of the United Nations open-ended informal consultative process on oceans and the law of the sea; specific topics of current interest; sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments;

(ii) Open-ended Informal Consultative Process on Ocean Affairs:

a. Substantive servicing of meetings: plenary and working groups (40);

b. Parliamentary documentation: background papers and conference room papers, as mandated; priority topics selected by the consultative process;

(iii) Commission on the Limits of the Continental Shelf:

a. Substantive servicing of meetings: plenary and working groups (240);

b. Parliamentary documentation: background papers and conference room papers, as mandated; priority topics selected by the Commission;

c. Ad hoc expert groups: Aquatic Sciences and Fisheries Abstracts Advisory Board (Plenary); Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection, plenary, working group and special task force on flag state implementation;

(b) Other substantive activities (RB):

(i) Recurrent publications: *Bibliography of the Law of the Sea*; biennial *Report of the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection*; *Law of the Sea Bulletin*; *Practice of States*;

(ii) Non-recurrent publications: baselines: national legislation with illustrative maps; maritime boundary agreements; training manual to assist States in the implementation of article 76;

(iii) Booklets, fact sheets, wall charts and information kits: abstracts for the inter-agency monthly publication *Aquatic Sciences and Fisheries Abstracts*; law of the sea information circular; newsletter on current developments in the law of the sea and ocean affairs; special studies/reviews, in cooperation with competent international organizations as required, on selected emerging issues and persistent problems related to the law of the sea and ocean affairs;

(iv) Press releases, press conferences: press releases: Meetings of States Parties to the United Nations Convention on the Law of the Sea, meetings of the United Nations open-ended informal consultative process on ocean and the law of the sea, sessions of the Commission on the Limits of the Continental Shelf;

(v) Technical material: Internet web site on the Commission on the Limits of the Continental Shelf; Internet web site on the law of the sea and ocean affairs; Internet web site on the train-sea-coast programme; maintenance and further development of the facilities for the deposit by States of charts and geographical coordinates concerning baselines and limits of national maritime zones and of the system for their recording;

(vi) Promotion of legal instruments: promotion of the universal acceptance of the Convention and related agreements, their uniform and consistent application and their effective implementation;

(c) Technical cooperation (RB):

(i) Advisory services:

a. On harmonizing national legislation with the provisions of the Convention and the drafting of rules and regulations to implement such legislation;

b. On issues related to the full realization of benefits by States under the Convention, including economic, technological, scientific and environmental issues;

c. On issues related to the ratification of the Convention and the related agreements, their uniform and consistent application and effective implementation, including the impact of the entry into force of the Convention;

(ii) Training courses, seminars and workshops:

a. Operation and further development of the training programme on the law of the sea and ocean affairs, including train-sea-coast (with support from the United Nations Development Programme):

i. Assistance in strengthening national training institutions;

ii. Further development of a menu of training courses;

iii. Training of a cadre of course developers; organization of seminars/workshops related to the law of the sea and ocean affairs;

b. Regular and ad hoc briefings on the law of the sea;

(iii) Fellowships and grants: annual award of the Hamilton Shirley Amerasinghe Memorial Fellowship and supervision of fellowship recipient through the operation of the fellowship programme; annual award of the United Nations/Nippon Foundation Scholarships and supervision of recipients through training in capacity-building;

(iv) Field projects: project support in cooperation with funding agencies and in joint activities with other international organizations and institutions, where appropriate;

(d) Conference services, administration, oversight (RB): library services: provision of library services through the maintenance and development of the specialized reference collection and bibliographic database on the law of the sea and ocean affairs.

Table 8.17 **Resource requirements: subprogramme 4**

	Resources (thousands of United States dollars)		*Posts*	
Category	*2002-2003*	*2004-2005 (before recosting)*	*2002-2003*	*2004-2005*
Regular budget				
Post	5 660.9	5 878.9	27	28
Non-post	478.6	434.9	0	0
Total	**6 139.5**	**6 313.8**	**27**	**28**
Extrabudgetary	56.0	64.0	-	-

8.44 The amount of $6,313,800 provides for 28 established posts and various non-post items. The resource growth, reflecting the redeployment of one P-3 post from the Treaty Section, relates to the newly established consultative process on oceans and the law of the sea. The increase in post costs is partially offset by a reduction in non-post costs.

Subprogramme 5
Progressive harmonization and unification of the law of international trade

Resource requirements: $4,170,800

8.45 The subprogramme is implemented by the International Trade Law Branch, which acts as the secretariat of UNCITRAL.

Table 8.18 **Objectives for the biennium, expected accomplishments and indicators of achievement**

Objective: To facilitate and encourage the progressive improvement and harmonization of international trade law, and to enhance the knowledge, understanding and application of international trade law, pursuant to the mandate given by the General Assembly to UNCITRAL as the core legal body in the United Nations system in the field of international trade law. This mandate includes coordination of the work of international organizations active in this field, formulation of legislative and non-legislative texts enabling commercial entities to trade more efficiently, the dissemination of information on modern legal developments and the modernization of national laws, in particular in developing countries, through technical assistance.

Expected accomplishments	*Indicators of achievement*
(a) Modernization of trade practices; reduction of legal uncertainties and obstacles posed by inadequate and disparate laws; more efficient trade negotiation; reduction of disputes in international trade; simplification of the administration of transactions and lower transaction costs. Practical steps towards achieving such long-term goals in the field of international trade imply increased coordination at a universal level with respect to standards-making and include the following: promotion, codification and wider acceptance of international trade terms, provisions, customs and practices; preparation, adoption and promotion of new international conventions, model laws and uniform rules; promotion of ways and means of ensuring the uniform interpretation and application of international conventions, model laws and uniform rules; collection and dissemination of information on national legislation and modern legal developments, including case law	(a) (i) The number of judicial decisions rendered on the basis of UNCITRAL texts *Performance measures*: 2000-2001: 130 additional judicial and arbitral decisions collected in the database of the Case Law on UNCITRAL texts (CLOUT) Estimate 2002-2003: 96 additional judicial and arbitral decisions collected in CLOUT database Target 2004-2005: 104 additional judicial and arbitral decisions collected in CLOUT database (ii) The number of legislative decisions (ratifications and national enactments) based on UNCITRAL texts *Performance measures*: 2000-2001: 38 additional treaty actions and national enactments Estimate 2002-2003: 30 additional treaty actions and national enactments Target 2004-2005: 30 additional treaty actions and national enactments (iii) The level of client satisfaction on quality/relevance of information provided as reflected in feedback from visitors to the UNCITRAL web site

Performance measures:

2000-2001: hits on web site

Estimate 2002-2003: 365,000 hits on web site

Target 2004-2005: 383,300 hits on web site

(iv) The number of harmonized trade law rules produced by UNCITRAL

Performance measures:

2000-2001: 3 additional texts completed

Estimate 2002-2003: 2 additional texts completed

Target 2004-2005: 2 additional texts completed

(v) Quality (commercial adequacy, legislative timeliness and academic level) of harmonized trade law rules produced by UNCITRAL

Performance measures:

2000-2001: percentage of satisfaction as indicated in responses to interviews and questionnaires

Estimate 2002-2003: percentage of satisfaction as indicated in responses to interviews and questionnaires

Target 2004-2005: percentage of satisfaction as indicated in responses to interviews and questionnaires

(vi) The number of areas where coordination is effectively carried out among international organizations involved in the production of harmonized legal standards for international trade law

Performance measures:

2000-2001: To be determined

Estimate 2002-2003: To be determined

Target 2004-2005: To be determined

(vii) The number of publications discussing the work of UNCITRAL

Performance measures:

2000-2001: 284 additional publications collected in UNCITRAL bibliography

Estimate 2002-2003: 324 additional publications collected in UNCITRAL bibliography

Target 2004-2005: 332 additional publications collected in UNCITRAL bibliography

(viii) Positive feedback from developing countries and members of and observers to UNCITRAL on the extent that awareness of modern trade laws has been raised as a direct result of technical assistance from the UNCITRAL secretariat

Performance measures:

2000-2001: To be determined

Estimate 2002-2003: To be determined

Target 2004-2005: To be determined

External factors

8.46 None.

Outputs

8.47 During the biennium, the following final outputs will be delivered:

(a) Servicing of intergovernmental and expert bodies (RB):

(i) United Nations Commission on International Trade Law (UNCITRAL):

a. Substantive servicing of meetings: presentation of substantive reports prepared by the Branch, responses to requests for clarification, procedural and substantive advice to the Chair and preparation of the draft report (2);

b. Parliamentary documentation: *Official Records of the General Assembly*; reports by six intergovernmental working groups, substantive reports requested by the Commission, several substantive recurrent reports and substantive conference room papers;

(ii) General Assembly (Legal Committee):

a. Substantive servicing of meetings: presentation of the annual report of the Commission (2);

b. Substantive servicing of meetings: presentation of substantive reports prepared by the Branch, responses to requests for clarification, procedural and substantive advice to the Chair and preparation of the draft report (4);

c. Parliamentary documentation: reports prepared in response to the request of the Working Group and substantive conference room papers (6);

(iii) Ad hoc expert groups: discussion of draft reports and statutory texts prepared by the Branch for submission to the Commission and its working groups;

(b) Other substantive activities (RB):

(i) Recurrent publications: *Yearbook of the United Nations Commission on International Trade Law*, volumes XXXIV, 2003, and XXXV, 2004;

(ii) Non-recurrent publications: *Revised UNCITRAL Model Law on Arbitration*; *UNCITRAL Legislative Guide on Insolvency Law*; *UNCITRAL Legislative Guide on Secured Transactions*; *UNCITRAL Model Law on Privately Financed Infrastructure Projects*; *United Nations Convention on Electronic Commerce with Guide to Enactment*;

(iii) Exhibits, guided tours, lectures: lectures to groups of practitioners, academics and law students in Vienna and elsewhere as part of programmes organized by other professional, academic, non-governmental or intergovernmental organizations;

(iv) Special events: Conference on the Uniform Law on International Sales;

(v) Twenty-fifth anniversary of the United Nations Convention on Contracts for the International Sale of Goods, Vienna, 2005; participation as co-organizers and moderators in the annual "Willem C. Vis International Commercial Arbitration Moot" in Vienna;

(vi) Technical material: maintenance of a searchable Internet database of court and arbitral decisions collected under the CLOUT system; maintenance of the system for collecting court and arbitral decisions on Commission texts; publication of abstracts of decisions; and monitoring developments and trends;

(c) Technical cooperation (RB):

(i) Advisory services: briefing and advising Governments and non-governmental organizations to assist them in preparing legislation based on Commission texts and in the use of non-legislative Commission texts;

(ii) Training courses, seminars and workshops: seminars on Commission texts to promote the work of UNCITRAL;

(d) Conference services, administration, oversight (RB): library services: acquisition for and servicing of the UNCITRAL Law Library; maintenance of the UNCITRAL web site.

Table 8.19 **Resource requirements: subprogramme 5**

	Resources (thousands of United States dollars)		*Posts*	
Category	*2002-2003*	*2004-2005 (before recosting)*	*2002-2003*	*2004-2005*
Regular budget				
Post	3 037.9	3 576.6	18	22
Non-post	413.5	594.2	0	0
Total	**3 451.4**	**4 170.8**	**18**	**22**
Extrabudgetary	175.0	205.0	-	-

8.48 The amount of $4,170,800 provides for 22 posts, including four new posts; 1 D-2, 1 P-5, 1 P-2 and 1 General Service (Other level) post and various non-post items. The increase in post requirements stems from the decisions taken by member States at the thirty-fourth session of the Commission session, in 2001, as endorsed by the General Assembly in its resolution 56/79 of 12 December 2001. The Trade Law Branch will be upgraded to a Division and will be headed by a Director at the D-2 level. The expansion of United Nations capacity in the field of trade law is a direct response to continuing growth in world trade levels. The Commission will work on six topics in six working groups (as opposed to the current three). Increases in non-post resources relate to increased requirements for consultants and staff travel in support of the Commission's expanded work programme and to provide legislative assistance for Member States, particularly developing States, in the use of UNCITRAL legal texts.

Subprogramme 6
Custody, registration and publication of treaties

Resource requirements (before recosting): $6,416,000

8.49 The subprogramme is implemented by the Treaty Section.

Table 8.20 **Objectives for the biennium, expected accomplishments and indicators of achievement**

Objective: To facilitate open diplomacy, and promote respect for international treaty obligations and the advancement of the international rule of law.

Expected accomplishments	*Indicators of achievement*
(a) Maintain timely and accurate access to treaties deposited with the Secretary-General, including their status, and to treaties and actions registered with and published by the Secretariat through the dissemination of information in hard-copy and electronic format, including the Internet	(a) (i) Timely processing of actions relating to treaties deposited with the Secretary-General *Performance measures*: 2000-2001: 1 day Estimate 2002-2003: 1 day Target 2004-2005: 1 day (ii) Timely processing of treaties and actions submitted to the Secretariat for registration *Performance measures*: 2000-2001: 1 month Estimate 2002-2003: 1 month Target 2004-2005: 1 month (iii) Number of hits on the Treaty web site

	Performance measures: 2000-2001: 800,000 Estimate 2002-2003: 1,000,000 Target 2004-2005: 1,000,000 (iv) Favourable comments in reports to the General Assembly, reports of the International Law Commission and the Office of Internal Oversight Services and the press, as well as resolutions adopted on the custody of treaties *Performance measures*: 2000-2001: 4 reports Estimate 2002-2003: 2 reports Target 2004-2005: 2 reports (v) Timely publication of the United Nations *Treaty Series* *Performance measures*: 2000-2001: 2.5 years Estimate 2002-2003: 1 year Target 2004-2005: 1 year
(b) Promote greater participation in treaties by organizing two treaty events and preparing theme-based treaty publications	(b) Number of treaty actions submitted by Parties (States and organizations) as a result of the two events *Performance measures*: 2000-2001: 315 actions Estimate 2002-2003: 200 actions Target 2004-2005: 200 actions
(c) Increase knowledge and understanding of the depositary, registration and publication practice relating to treaties and of mechanisms ensuring proper implementation of treaty rights and obligations	(c) Broader compliance with the rules of international law and control of the number of violations *Performance measures*: 2000-2001: 380 requests for advice Estimate 2002-2003: 400 requests for advice Target 2004-2005: 400 requests for advice

(d) Provide States with substantial technical assistance in order to facilitate (a) broader State participation in the multilateral treaty framework and (b) the domestic implementation of treaty obligations by States	(d) (i) Training seminars on the depositary, registration and publication practice of treaties *Performance measures*: 2000-2001: 1 seminar Estimate 2002-2003: 4 seminars Target 2004-2005: 4 seminars (ii) Raising the level of participation in the multilateral treaty framework and promoting a greater level of participation in the domestic framework *Performance measures*: 2000-2001: 2,500 actions taken by States Estimate 2002-2003: 2,800 actions taken by States Target 2004-2005: 2,800 actions taken by States
(e) Make more publications and data available to the general public in electronic format	(e) Number of publications made available in electronic format *Performance measures*: 2000-2001: 10 publications Estimate 2002-2003: 16 publications Target 2004-2005: 16 publications

External factors

8.50 The subprogramme is expected to achieve its objectives and expected accomplishments on the assumption that:

(a) Member States request legal and technical assistance before (i) concluding treaties, in particular with reference to final clauses of treaties, and (ii) submitting treaties for registration, thus avoiding delays and potential problems. Such assistance also helps States to strengthen their political will to fulfil their treaty obligations, hopefully contributing to a wider participation in treaties deposited with the Secretary-General. The Section can rely on its advanced technology to process treaty actions speedily;

(b) Member States increasingly provide material in electronic format to facilitate registration and publication and provide courtesy translations for treaties submitted in languages other than the official languages of the United Nations. If the treaties are not translated in a timely manner by the Department of General Assembly and Conference Management or by external translators engaged by the Secretariat or the Section, the publication programme will suffer;

(c) The Treaty Section will continue to rely on its technology to ensure that (i) the processed information is disseminated automatically without delay and accurately through the electronic medium and (ii) its publications are issued in a timely manner;

(d) Other United Nations departments, agencies, funds and programmes contribute and cooperate in the development and maintenance of the directory of legal technical assistance.

Outputs

8.51 During the biennium, the following final outputs will be delivered:

(a) Other substantive activities (RB):

(i) Recurrent publications: bilingual issues (English/French) of the monthly *Statement of Treaties and International Agreements Registered or Filed and Recorded with the Secretariat* (ST/LEG/SER.A ...); *Multilateral Treaties Deposited with the Secretary-General*, status as at 31 December 2003 (ST/LEG/SER.E/20) and status as at 31 December 2004 (ST/LEG/SER.E/21); preparation of two internally compiled and typeset volumes of the United Nations *Treaty Series* Cumulative Index in conjunction with the United Nations *Treaty Series*; publication of the United Nations *Treaty Series*;

(ii) Non-recurrent publications: *Treaty Event Focus Book*;

(iii) Technical material: Producing the Cumulative Index automatically from the new database; addition of editorial material (Article 102 of the Charter); keeping information updated and providing it to users through the electronic media, including the Internet (Article 102 of the Charter); maintain the legal technical assistance web page and the interdepartmental and inter-agency directory of legal technical assistance and its links to other web pages, as approved by the Secretary-General following the report of the Inter-Departmental Group to Implement the Action Plan entitled "An era of application of international law" (IDG); maintenance, on a daily basis, of a comprehensive database of all depositary actions; preparation of a CD-ROM version of the United Nations *Treaty Series* Cumulative Index; preparation of printed volumes of the United Nations *Treaty Series* for dissemination in electronic form, including on the Internet; preparing volumes for publication of the United Nations *Treaty Series* internally through the new desktop publishing system; producing the United Nations *Treaty Series* in CD-ROM format; providing access to the United Nations *Treaty Series* for users through electronic media, including a Local Area Network (LAN) and the Internet; scanning documents into the system for processing (Article 102 of the Charter); updating, on a regular basis, the information provided in electronic form, including the Internet;

(iv) Promotion of legal instruments: custody of over 500 multilateral treaties and related instruments for which the Secretary-General performs depositary functions in accordance with relevant final clauses; depositary notifications concerning multilateral treaties deposited with the Secretary-General; establishment of certified true copies of multilateral treaties for Governments and intergovernmental organizations; preparation of papers and other material for delivery at public gatherings (general legal advice and services); preparation of the Handbook of Final Clauses; processing recording and notifying Member States and/or participating Governments and international organizations of approximately 3,600 formalities for the biennium consisting of approximately 2,700 actions (signatures, ratifications, accessions, successions, acceptances); provision of information on the status of multilateral treaties of international organizations, Governments, the Secretariat, United Nations bodies and other entities; provision of information on the status of registered instruments to

Member States, intergovernmental organizations, the Secretariat, United Nations bodies and other entities (Article 102 of the Charter); provision of legal advice on all aspects of treaty law and depositary, registration and publication practice to Governments, intergovernmental organizations, units of the Secretariat and other entities; rectification of instruments as required; registration and processing of some 2000 documents, including legal analysis, of new treaties and international agreements; subsequent actions relating to more than 50,000 treaties and international agreements already registered or filed and recorded with the Secretariat (Article 102 of the Charter); updating the Treaty Handbook; updating the *Summary of Practice of the Secretary-General as Depositary of Multilateral Treaties*;

(b) Technical cooperation (RB):

(i) Advisory services: provision of legal advice on all aspects of treaty law and depositary, registration and publication practice to Governments, intergovernmental organizations, units of the Secretariat and other entities;

(ii) Training courses, seminars and workshops: training seminars (at Headquarters and in regions) on depositary, registration and publication practice organized for permanent missions and legal advisers from foreign ministries and from United Nations and other related organizations.

Table 8.21 **Resource requirements: subprogramme 6**

	Resources (thousands of United States dollars)		*Posts*	
Category	*2002-2003*	*2004-2005 (before recosting)*	*2002-2003*	*2004-2005*
Regular budget				
Post	5 817.9	5 097.3	33	29
Non-post	1 437.6	1 318.7	0	0
Total	**7 255.5**	**6 416.0**	**33**	**29**

8.52 The amount of $6,416,000 provides resources for 29 posts, reflecting the outward redeployment of 2 P-3 posts to other subprogrammes and the abolition of 2 General Service posts (one each at the Principal and Other levels). It also reflects a substantial decrease in resource requirements for external printing. These reductions in post and non-post resources arise from the successful reduction of the backlog in the Treaty Section.

C. Programme support

Resource requirements (before recosting): $1,552,500

8.53 The Executive Office provides support services for the Office of Legal Affairs in connection with personnel, budgetary and financial administration, resource planning and use of common services, together with administrative support for policy-making organs and international meetings as required.

Table 8.22 **Resource requirements: programme support**

	Resources (thousands of United States dollars)		*Posts*	
Category	*2002-2003*	*2004-2005 (before recosting)*	*2002-2003*	*2004-2005*
Regular budget				
Post	1 222.6	1 222.6	7	7
Non-post	321.5	329.9	0	0
Total	**1 544.1**	**1 552.5**	**7**	**7**

8.54 The amount of $1,552,500 provides for seven existing posts, other staff costs and various non-post items. The increase in non-post resources reflects the need for additional communication resources.

Table 8.23 **Summary of follow-up action taken to implement relevant recommendations of the internal and external oversight bodies and the Advisory Committee on Administrative and Budgetary Questions**

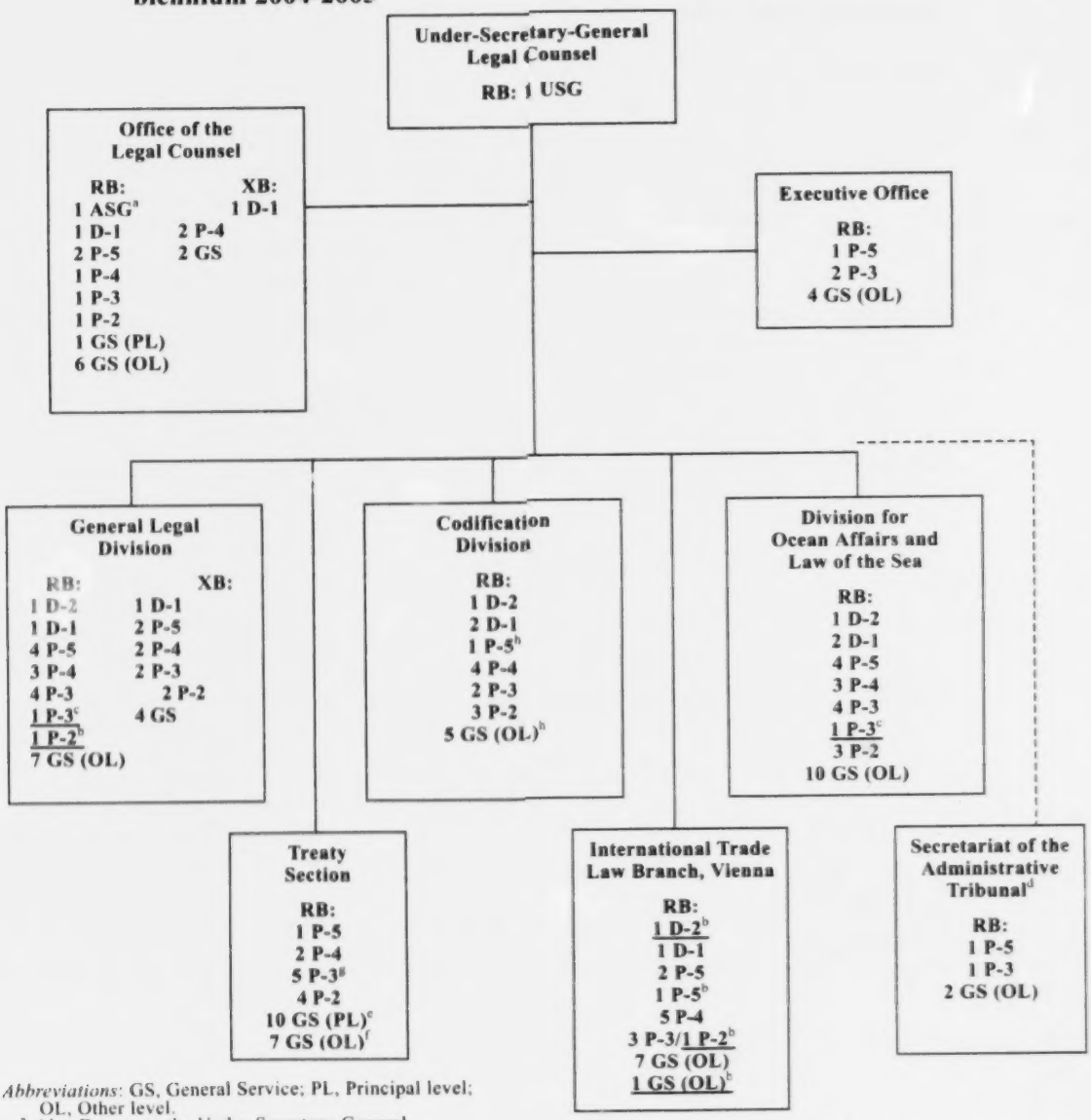
Brief description of the recommendation	*Action taken to implement the recommendation*
Advisory Committee on Administrative and Budgetary Questions (General Assembly resolution 56/253, para. 93)	
The Advisory Committee requests the Secretary-General to pursue increased timeliness and availability of international law codification documents and legal instruments in all six official languages of the United Nations.	Parliamentary documentation prepared by the Codification Division is submitted in a timely manner. Delays in the submission of some reports of the Special Rapporteurs of the International Law Commission are attributable exclusively to them. Furthermore, any delays in translation, editing or printing are beyond the Division's control and competence. All parliamentary documentation is released simultaneously only when it is available in all official languages, and immediately placed on the Division's web sites. Publications are issued in the languages in which they are mandated; accordingly, the recently published Proceedings of the Rome Conference on the International Criminal Court were issued simultaneously in all six official languages. The volumes of the Juridical Yearbook continue to be issued in the mandated languages successively, again for reasons beyond the Division's control and competence. However, should this policy (which is not within the competence of the Office of Legal Affairs) be changed, the simultaneous issuance of these publications would result in significant delays.

Brief description of the recommendation	*Action taken to implement the recommendation*
Report of the Office of Internal Oversight Services on the in-depth evaluation of legal affairs (E/AC.51/2002/5)	
Recommendation 2 Dissemination of information to assist other departments and offices in their administrative and substantive functions	
(a) OLA should provide basic information on the legal aspects of the most frequent administrative actions needed to carry out United Nations programmes and on the assistance OLA can offer. This information should take into account the lessons learned from the legal difficulties faced by the Organization and it should be disseminated through the United Nations Intranet or other channels to ensure easy access by staff involved in the implementation of programmes. OLA should consider disseminating legal information useful to administrative and substantive staff through such channels as orientation and training courses organized by other departments and offices.	The Office of the Legal Counsel maintains close contacts with its recurring clients such as the Department of Peacekeeping Operations and the Department of General Assembly and Conference Management. The Office provides training seminars at the request of these Offices such as the biannual seminar on rules of procedure. The General Legal Division conducts periodic seminars that serve to orient and train client offices and is seeking to expand and regularize such seminars. In addition, the General Legal Division, in conjunction with the Office of the Legal Counsel, provides training for legal advisers to peacekeeping operations in areas in which they are typically required to provide legal advice and assistance.
Recommendation 3 Delivery of common services to the United Nations and affiliated funds and programmes	
(a) The system of clusters established by the General Legal Division of OLA to facilitate communication with users of services should be supplemented with a list of the Division's lawyers, who will act as contacts for different programmes. This list should be made available on the Intranet and other channels to streamline the processing of new requests for assistance and facilitate informal consultations;	The General Legal Division has provided client offices with its organizational structure, including assignment of lawyers to each of the clusters, and is seeking to expand its web site to include this information.
(b) The General Legal Division should adopt processes and standards that would ensure immediate response to the programmes that require a faster response time than is the norm now, or should propose outposting legal officers, as an exceptional arrangement, when it is the most effective option, to such entities as the Headquarters Procurement Division and the headquarters offices of the separate funds and programmes.	The General Legal Division has adopted procedures and processes for ensuring timely responses to requests, including improved monitoring of requests at multiple levels within the Division. The Division has also provided outposting of lawyers where appropriate, including recently in the field.

Brief description of the recommendation	*Action taken to implement the recommendation*
Recommendation 4 Requirements for support to peacekeeping	
(a) OLA should participate in the review of requirements for early deployment of experienced support staff to missions and identify the legal officers, within and outside OLA, who will form part of the Secretariat standby capacity;	Pursuant to an agreement with the Department of Peacekeeping Operations, the Office of the Legal Counsel and the General Legal Division review candidates for such legal posts, as requested. This review serves to identify standby capacity to some degree. The Division will seek to regularize and expand this effort.
(b) OLA should ensure that all peacekeeping and other missions where legal assistance is required are staffed with legal officers familiar with United Nations legal framework, regulations and rules. OLA should review qualifications of individuals proposed as legal officers for peacekeeping mission assignments. Peacekeeping missions should, at least once a year, seek the technical views of OLA on the quality of legal services provided at the missions. OLA legal officers should visit the missions as needed to provide required guidance.	It is difficult to find experienced attorneys for service with Missions. The General Legal Division often provides legal officers on a temporary basis to assist peacekeeping missions. The Office of Legal Affairs has not yet begun to develop a cost-efficient and effective system for general reviews of legal services for field missions, which would consider visits to such missions. Once we develop a proposal for such a system, we would submit it to the Department of Peacekeeping Operations for consultation and agreement. In this connection, the Office of Legal Affairs is seeking provision of travel funds in its budget for 2004-2005 to enable legal officers to visit missions on a systematic basis.
Recommendation 6 Commercial claims against the Organization: alternative dispute resolution mechanisms	
OLA should consult the Procurement Division and the relevant units in the Field Administration and Logistics Division and affiliated funds and programmes as to whether conciliation should be made a mandatory step before a commercial dispute is referred to arbitration. Related amendments that might be required to the standard contract dispute settlement clause of the General Conditions of United Nations Contracts should be in full compliance with the relevant provisions of the Convention on the Privileges and Immunities of the United Nations.	The General Legal Division has consulted these offices and will seek to finalize the process in order to reach a conclusion regarding this matter.

Brief description of the recommendation	*Action taken to implement the recommendation*
Recommendation 15 UNCITRAL expanded programme of work	
OLA should review the secretariat requirements that an expansion from 3 to 6 UNCITRAL working groups require and present to UNCITRAL, at its upcoming review of the practical applications of the new working methods, different options that would ensure the necessary level of secretariat services.	Additional staffing resources (1 D-2, 1 P-5, 1 P-2 and 1 General Service (Other level)) have been proposed for the International Trade Law Branch for the biennium 2004-2005 in anticipation of the workload resulting from the expanded number of working groups.
Recommendation 18 Enhancing United Nations Treaty Collection web site services	
OLA should undertake a systematic appraisal of the needs of the users of the United Nations Treaty Collection web site. This appraisal should review issues of user fees, relation with commercial legal database providers, text search capacity and hyperlinks with other treaty sites.	Resources have been proposed for the acquisition and rental of the software necessary to run the programmes that will make the United Nations Treaty Collection available on the Internet.

Office of Legal Affairs
Proposed organizational structure and post distribution for the biennium 2004-2005



Abbreviations: GS, General Service; PL, Principal level; OL, Other level.

[a] Also Deputy to the Under-Secretary-General.
[b] New posts.
[c] Redeployment.
[d] In substantive matters, the secretariat (Executive Secretary) is exclusively responsible to the Administrative Tribunal.
[e] One GS (PL) abolished.
[f] One GS (OL) abolished.
[g] 2 P-3 posts redeployed to the subprogrammes.
[h] 1 P-5 and 2 GS (OL) redeployed to the Department of General Assembly and Conference Management.

Annex

Recurrent outputs not to be carried out in the biennium 2004-2005

Legal affairs

A/56/6, paragraph	*Output*	*Quantity*	*Reason for discontinuation*
8.34(a)(i)a.iii	Ad Hoc Committee on Jurisdictional Immunities of States and their Property	40	Substantive servicing of meetings programmed under this output will be discontinued following the final session of the Committee in 2003.
8.34(a)(i)b.	Preparatory Commission for the International Criminal Court	80	Substantive servicing of meetings programmed under this output were discontinued following the completion of the work of the Commission in July 2002.
8.34(a)(ii)c.ii	Draft reports (2); pre- and in-session documentation (2)	4	Parliamentary documentation consisting of draft reports and pre-session and in-session documentation will be discontinued with the final session of the Ad Hoc Committee on Jurisdictional Immunities of States and their Property.
8.34(b)(i)	*Repertory of Practice of United Nations Organs*	3	All programme budget outputs related to the production of the *Repertory of Practice of United Nations Organs* have been eliminated from these proposals as the *Repertory* will no longer be produced by the United Nations.
Total		**127**	
Grand total		**127**	